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18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 SAN FRANCISCO DIVISION

21 UNITED STATES OF AMERICA,

22 Plaintiff,

23 v.

24 CARLOS E. KEPKE,

25 Defendant.

26 Criminal No. 3:21-CR-00155-JD

27 UNITED STATES' MOTION TO DISMISS
28 INDICTMENT AND SUGGESTION OF
DEATH UPON THE RECORD AND
[PROPOSED] ORDER

29 The United States of America respectfully moves the Court for an order dismissing the
30 indictment in this matter. The Government suggests the death of Defendant Carlos Kepke during the
31 pendency of this action. Defendant was charged in this matter with one count of conspiracy to defraud
32 the United States under 18 U.S.C. § 371 (Count 1) and three counts of aiding and assisting in the
33 preparation of materially false tax returns under 26 U.S.C. § 7206(2) (Counts 2 – 4). Trial on all counts
34 was scheduled to begin with jury selection on November 28, 2022. The Government has received the
35 following evidence that Defendant is deceased: On November 28, 2022, counsel for Defendant appeared
36 before the Court and represented that Defendant passed away on November 27, 2022; and the Houston

1 Police Department and the Medical Examiner for Harris County, Texas, have both issued preliminary
2 reports indicating that Defendant died in Houston, Texas, on November 27, 2022.

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4 DATED: December 8, 2022

Respectfully submitted,

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STEPHANIE M. HINDS
United States Attorney

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Thomas A. Colthurst

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THOMAS A. COLTHURST
Chief, Criminal Division

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~~PROPOSED~~ ORDER

11 Based upon the facts set forth in the United States' Motion to Dismiss, and for good cause shown,
12 IT IS HEREBY ORDERED that the Government's Motion is granted, and this matter is hereby
13 dismissed.

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SO ORDERED this 5th day of January 2023.

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THE HONORABLE JAMES DONATO
UNITED STATES DISTRICT JUDGE